

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

GENE GREER,
Defendant.

Case No. 97-80735
Honorable Patrick J. Duggan

ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on December 4, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On January 11, 1999, Defendant Greer was committed to the custody of the Bureau of Prisons for 108 months for violation of Title 21 U.S.C. Section 841(a)(1)–Distribution of Cocaine Base. This sentence was to be followed by a four-year term of supervised release. Defendant completed the custodial portion of his sentence, and the term of supervised release began on June 16, 2006. Defendant currently is serving a term of imprisonment of fourteen (14) months imposed on September 22, 2008, for a violation of the conditions of his supervised release.

Presently before the Court is Defendant’s motion for a “modification or reduction of sentence.” Defendant relies on the amendment to the United States Sentencing Guidelines (“U.S.S.G.”) relating to crack cocaine as the basis for the relief he seeks. This amendment allows for a two-level reduction in the guidelines for a defendant convicted of a cocaine base offense. The amendment applies to a sentence a defendant was serving as

of the effective date of the amendment, March 3, 2008. However, as indicated in the Application Notes in U.S.S.G. § 1B1.10– the guideline policy statement on reduction of terms of imprisonment resulting from guideline amendments– the amendment only applies to a term of imprisonment that a defendant is serving as part of an original sentence: “Only a term of imprisonment imposed as a part of the original sentence is authorized to be reduced under this section. This section does not authorize a reduction in the term of imprisonment imposed upon revocation of supervised release.”

As indicated, Defendant currently is serving a term of imprisonment imposed for a violation of the conditions of supervised release. As Defendant is not serving a term of imprisonment imposed as a part of the original sentence, the Court concludes that he is not entitled to the relief he seeks.

Therefore,

IT IS ORDERED, that Defendant’s motion for modification or reduction of sentence is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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